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BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			SANDY, ROBERT JOHN	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,369

Applicant(s)

DEMAREST, NATHAN

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-10,12-19,22,24-28 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,11,20,21,23,29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because the details of the disclosed invention(s) are unable to be recognized in Figures 9 and 10 since these figures appear to be a copy of a color or gray-scale image. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Also, as a note to the applicant:

Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter according to the following must be shown:

Claims 1, 10, 18, and 27, require the in intended use of “to connect the first section of material to the second section of material” (claims 1, 10 and 18) and “” (claim 27). However, the drawing figures (see Figs. 1 and 7) do not show the first and second materials being able to, or positively connecting to one another. As best understood by the drawings, the first and second materials appear to be spaced from one another where a longitudinal edge of each of the first and second sections of material appear to be separated by a half width of an inner element. That is, the longitudinal edges of each of the first and second sections of material appear to be aligned along the connection of each inner and outer element pair. The claimed feature of connecting the first section of material to the second section of material strip must

Concerning claims 18-26, a requirement of combination of the first portion, the second portion, and the slider joining the inner elements of the first portion with the inner elements of the second portion to form an interlocked strip must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Concerning claim 32, a requirement that an “item of apparel selected from the group of shirts, pants, skirts, shoes and bags” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. There are no drawing figures showing any of the claimed apparel.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet”

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 8, 14, 18 and 25 are objected to because of the following informalities:

In claim 1, line 1, the phrase “apparel comprising” should be changed to

- - apparel, comprising - -.

In claim 18, line 1, the phrase “apparel comprising” should be changed to

- - apparel, comprising - -.

Claims 8, 14, and 25 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In the instant case, claim recites a Markush group of type of apparel in an attempt to further limit the claimed apparatus of claim 1. However, claim 8 merely further describe the intended “for use in apparel” which is not positively claimed in claim 1 as a structural combination of the claimed apparatus.

Appropriate correction is required.

Additionally, claims 1, 8, 14, 18 and 25 are objected to because of the following informalities:

In claim 1, line 6, the phrase “the out elements” should be changed to read as - - the outer elements of the second portion - - for proper clarification and distinction from the inner and outer elements of the first portion.

In claim 1, line 9, the phrase “out elements” should be changed to read as - - outer elements of the second portion - - for the same reason provided above for line 6.

In claim 2, line 2, the phrase - - of each of the first and second portions – should be inserted after the phrases “the inner elements” and “the outer elements” for proper clarification and distinction.

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In claim 3, lines 2 and 3, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner elements” and “the hollow outer elements” for proper clarification and distinction.

In claim 4, bridging lines 1 and 2, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner diamond shaped elements” and “the hollow outer diamond shaped elements” for proper clarification and distinction.

In claim 5, lines 1 and 2, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner elements” and “the hollow outer elements” for proper clarification and distinction.

In claim 6, bridging lines 1 and 2, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner ovoid elements” and “the hollow outer ovoid elements” for proper clarification and distinction.

In claim 10, bridging lines 12 and 13, the phrase - - of the second portion - - should be inserted after the phrase “the connected first size elements” for proper clarification and distinction from the connected first size elements of the first portion and the connected second size elements of the first portion.

In claim 10, line 15, the phrase - - of the second portion - - should be inserted after the phrase “the second size elements”

In claim 11, line 2, the phrase - - of each of the first portion and the second portion - - should be inserted after the phrase “the first size elements” and “the second size elements” for proper clarification and distinction.

In claim 12, line 2, the phrase - - of the first portion and the second portion - - should be inserted after the phrase “the first size elements” and “the second size elements” for proper clarification and distinction.

In claim 18, lines 6 and 7, the phrase - - of the second portion - - should be inserted after each phrase of “the outer elements” for proper clarification and distinction from the outer elements of the first portion.

In claim 18, line 8, the phrase - - of the second portion - - should be inserted after the phrase “the inner elements” for proper clarification and distinction from the inner elements of the first portion.

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In claim 18, line 9, the phrase - - of the second portion - - should be inserted after the phrase “the outer elements” for proper clarification and distinction from the outer elements of the first portion.

In claim 19, lines 1 and 2, the phrase - - of each of the first and second portions - - should be inserted after each of the phrases “the inner elements” and “the outer elements” for proper clarification and distinction.

In claim 20, lines 1 and 2, the phrase - - of each of the first and second portions - - should be inserted after the phrases “the hollow inner elements” and “the hollow outer elements” for proper clarification and distinction.

In claim 21, bridging lines 1 and 2, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner diamond shaped elements” and “the hollow outer diamond shaped elements” for proper clarification and distinction.

In claim 22, bridging lines 1 and 2, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner elements” and “the hollow outer elements” for proper clarification and distinction.

In claim 23, bridging lines 1 and 2, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner ovoid shaped elements” and “the hollow outer ovoid shaped elements” for proper clarification and distinction.

In claim 27, bridging lines 10 and 11, the phrase - - of the second portion - - should be inserted after each phrase of “the outer elements” for proper clarification and distinction from the outer elements of the first portion.

In claim 27, line 12, the phrase - - of the second portion - - should be inserted after the phrase “the inner elements” for proper clarification and distinction from the inner elements of the first portion.

In claim 27, line 13, the phrase - - of the second portion - - should be inserted after the phrase “the outer elements” for proper clarification and distinction from the outer elements of the first portion.

In claim 28, line 1, the phrase - - of each of the first and second portions - - should be inserted after each of the phrases “the inner elements” and “the outer elements” for proper clarification and distinction.

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In claim 29, lines 1 and 2, the phrase - - of each of the first and second portions - - should be inserted after the phrases “the hollow inner elements” and “the hollow outer elements” for proper clarification and distinction.

In claim 30, bridging lines 1-4, the phrase - - of the first and second portions - - should be inserted after the phrases “the hollow inner diamond shaped elements” and “the hollow outer diamond shaped elements” for proper clarification and distinction.

In claim 30, the phrase - - of each of the first and second portions - - should be inserted after the phrase “both the inner and outer diamond shaped element” bridging lines 4 and 5 for proper clarification and distinction.

Appropriate correction of the above claim objections is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 10, 15-17, 27, 31, 33 and 34, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Osterman (U. S. Patent No. 5,396,687). Osterman ('687) discloses:

(concerning claim 1) a flexible and extensible (inherent properties of “thermoplastic resins, polymers, or nylon”, col. 4, lines 24, 25) closure apparatus (see Figs. 1-6) comprising: a first portion (10) having inner elements (18) and outer elements (20), the outer elements connected together to form a first continuous strip (14), the outer elements attached to a first section of material (27), each of the inner elements connected to at least one of the outer elements; and a second portion (12) having inner elements (18) and outer elements (20), the outer elements connected together to form a second continuous strip (14), the outer elements attached to a second section of material (27), each of the inner elements connected to at least one of the outer elements, the inner and outer elements of the second portion longitudinally opposed to the inner and outer elements of the first portion (see Fig. 1), the inner and outer elements of

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the first portion interconnected with the inner and outer elements of the second portion to form an interlocked strip (as shown in Fig. 1) to connect the first section of material to the second section of material; and

(concerning claim 9) the interlocked strip is separable into the inner and outer elements of the first portion and the second portion in order to partition the first section of material from the second section of material (as demonstrated in Fig. 6);

(concerning claim 10) a flexible and extensible closure apparatus for use in apparel, the flexible and extensible closure apparatus comprising: a first size element (20); a second size element (18); a first portion (10) including: a first row of connected first size elements (20), the connected first size elements forming a first continuous strip (14), the first continuous strip attached to a first section of material (27); and a second row of second size elements (18), each of the second size elements connected to one of the first size elements; a second portion (12) including: a third row of connected first sized elements (20), the connected first size elements forming a second continuous strip (14), the second continuous strip attached to a second section of material (27); and a fourth row of second size elements (18), each of the second size elements connected to one of the first size elements; and wherein the fourth row of second size elements is interlaid (as demonstrate in Fig. 1) with the first row of first size elements and the second row of second size elements to form a flush interlocked strip to connect the first section of material to the second section of material;

(concerning claim 15) the fourth row of second sized elements is separated from the first row of first size elements and the second row of second size elements, the first section of material being separated from the second section of material (as demonstrated in Fig. 6);

(concerning claim 16) the second row of second size elements is interlaid with the third row of first size elements and the fourth row of second size elements to form a flush interlocked strip to connect the first section of material to the second section of material (as demonstrated in Fig. 1); and

(concerning claim 17) the second row of second sized elements is separated from the third row of first size elements and the fourth row of second size elements, the first section of material being separated from the second section of material (as demonstrated in Fig. 6);

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(concerning claim 27) an item of apparel (“the fasteners are used for clothing”, col. 5, lines 10 and 11) comprising: a first section of material (27); a second section of material (27); and a closure apparatus for connecting the first section of material to the second section of material, the closure apparatus comprising: a first portion (10) having inner elements (20) and outer elements (18), the outer elements connected together to form a first continuous strip (14), the outer elements attached to the first section of material (27), each of the inner elements connected to at least one of the outer elements; and a second portion (12) having inner elements (18) and outer elements (20), the outer elements connected together to form a second continuous strip (14), the outer elements attached to the second section of material (27), each of the inner elements connected to at least one of the outer elements, the inner and outer elements of the second portion opposed to the inner and outer elements of the first portion, the inner and outer elements of the first portion interconnected with the inner and outer elements of the second portion to form an interlocked strip;

(concerning claim 33) the interlocked strip is separable into the inner and outer elements of the first portion and the second portion in order to partition the first section of material from the second section of material (as demonstrated in Fig. 6); and

(concerning claim 34) the interlocked strip is partially separable into the inner and outer elements of the first portion and the second portion in order to partition the first section of material from the second section of material (as demonstrated in Fig. 6).

Claims 1, 2, 5, 9, 10, 12, 15-18, 19, 22, 26, 27, 28, 31, 33 and 34, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Legat (U. S. Patent No. 2,415,643). Legat (‘643) discloses a flexible and extensible closure apparatus for use in apparel comprising: a first portion (1) having inner elements (9) and outer elements (stem adjacent to portions 9), the outer elements connected together to form a first continuous strip (6), the outer elements attached to a first section (5) of material, each of the inner elements connected to at least one of the outer elements; and a second portion (2) having inner elements (portions 10) and outer elements (stems adjacent to 10), the outer elements connected together to form a second continuous strip (6), the outer elements attached to a second section of material (5), each of the inner elements connected to at least one of the outer elements (Fig. 4), the inner and outer elements of the second portion

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longitudinally opposed to the inner and outer elements of the first portion, the inner and outer elements of the first portion interconnected with the inner and outer elements of the second portion to form an interlocked strip to connect the first section of material to the second section of material;

(concerning claim 2) the inner elements and the outer elements comprise hollow elements (as shown in Fig. 7);

(concerning claim 5) the hollow inner elements and the' hollow outer elements comprise hollow ovoid shaped elements (as shown in Figs. 7, 9 and 11);

(concerning claim 9) the interlocked strip is separable into the inner and outer elements of the first portion and the second portion in order to partition the first section of material from the second section of material (as demonstrated in Figs. 5 and 6);

(concerning claim 10) a flexible and extensible closure apparatus for use in apparel, the flexible and extensible closure apparatus comprising: a first size element (stems adjacent to portions 9); a second size element (9); a first portion (1) including: a first row of connected first size elements, the connected first size elements forming a first continuous strip (6), the first continuous strip attached to a first section of material (5); and a second row of second size elements (portions 9), each of the second size elements connected to one of the first size elements; a second portion (2) including: a third row of connected first sized elements (stems of adjacent portions 10), the connected first size elements forming a second continuous strip (6), the second continuous strip attached to a second section of material (5); and a fourth row of second size elements (portions 10), each of the second size elements connected to one of the first size elements; and wherein the fourth row of second size elements is interlayered (as demonstrate in Figs. 5 and 6) with the first row of first size elements and the second row of second size elements to form a flush interlocked strip to connect the first section of material to the second section of material;

(concerning claim 12) the first size elements and the second size elements comprise first size hollow ovoid shaped elements and second size hollow ovoid shaped elements (Fig. 7);

(concerning claim 15) the fourth row of second sized elements is separated from the first row of first size elements and the second row of second size elements, the first section of material being separated from the second section of material (as demonstrated in Figs. 5 and 6);

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(concerning claim 16) the second row of second size elements is interlayed with the third row of first size elements and the fourth row of second size elements to form a flush interlocked strip to connect the first section of material to the second section of material (as demonstrated in Figs. 4-7); and

(concerning claim 17) the second row of second sized elements is separated from the third row of first size elements and the fourth row of second size elements, the first section of material being separated from the second section of material (as demonstrated in Figs. 4-6);

(concerning claim 18) Legat ('643) further discloses a slider (11, 12, 13, 14, 21; see Figs. 4-6, and 8) joining the inner elements of the first portion with the inner elements of the second portion to form an interlocked strip to connect the first section of material to the second section of material;

(concerning claim 19) the inner elements and the outer elements comprise hollow elements (as shown in Fig. 7);

(concerning claim 22) the hollow inner elements and the' hollow outer elements comprise hollow ovoid shaped elements (as shown in Figs. 7, 9 and 11);

(concerning claim 26) the interlocked strip is separable into the inner and outer elements of the second portion and the inner and outer elements of the first portion in order to partition the first section of material from the second section of material (figs. 5 and 6);

(concerning claims 27) Legat ('643) further discloses an item of apparel ("garments", col. 5, line 42);

(concerning claim 28) the inner elements and the outer elements comprise hollow elements (as shown in Fig. 7);

(concerning claim 33) the interlocked strip is separable into the inner and outer elements of the first portion and the second portion in order to partition the first section of material from the second section of material (as demonstrated in Figs. 5 and 6); and

(concerning claim 34) the interlocked strip is partially separable into the inner and outer elements of the first portion and the second portion in order to partition the first section of material from the second section of material (as demonstrated in Figs. 5 and 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 13, 14, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterman ('687) in view of Gershenson (U. S. Patent No. 5,097,570). Osterman ('687) discloses the claimed invention except for explicitly describing wherein the wherein the apparel is selected from the group consisting of shirts, pants, skirts, shoes, and bags; and wherein (concerning claims 7, 13, and 31) the first section of material and the second section of material comprises a stretchable fabric type material.

Osterman ('687) does describe, in col. 5, first paragraph, that "the fasteners are utilized for clothing", and has also cited U. S. Patent No. 5,097,570 of Gershenson in the "Background of the Invention" in recognition that the fastener of Gershenson ('570) is for "articles of clothing i.e., shoes, shirts, sweatbands, etc., and the like" (see col. 2, lines 13-17 of Gershenson ('570)), and wherein it is well known that at least shirts and sweatband are made of stretchable fabric type materials spandex thread such as Lycra (manufactured by E. I. Du Pont de Nemours & Co., trade name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the fasteners of Osterman ('687) for apparel selected from the group consisting of at least shirts and shoes, as suggested by Gershenson ('570), and since Osterman ('687) denotes that "the fasteners are utilized for clothing". Furthermore, it has been well understood in the clothing art that such fasteners by Osterman ('570) are utilized as garment closures for pants, shirts, coats, shoes, and handbags.

Claims 7, 8, 13, 14, 24, 25, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legat ('643) in view of Gershenson (U. S. Patent No. 5,097,570). Legat

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('643) discloses the claimed inventions except for wherein Legat ('643) does not explicitly describe the garments as being stretchable and as shirts, pants, skirts, shoes and bags.

Gershenson ('570) describes and teaches in the "Background of the Invention" that such analogous garment fasteners are for "articles of clothing i.e., shoes, shirts, sweatbands, etc., and the like" (see col. 2, lines 13-17 of Gershenson ('570)), and wherein it is well known that at least shirts and sweatband are made of stretchable fabric type materials spandex thread such as Lycra (manufactured by E. I. Du Pont de Nemours & Co., trade name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized either of the fasteners of Legat ('643) for apparel selected from the group consisting of at least shirts and shoes, as suggested by Gershenson ('570). Furthermore, it has been well understood in the clothing art that such fasteners by Legat ('643) are utilized as garment closures for pants, shirts, coats, shoes, and handbags.

Allowable Subject Matter

Claims 3, 4, 6, 11, 20, 21, 23, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the claim objections set forth in this Office action, and in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT J. SANDY
PRIMARY EXAMINER